

Decision Maker: Executive

Date: 24 October 2012

Decision Type: Non-Urgent Executive Non-Key

Title: **DRAW DOWN OF FUNDING FOR BROMLEY SEN & DISABILITY PATHFINDER FUNDING**

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Chief Officer: Assistant Director (Education), Education and Care Services

Ward: Boroughwide

1. Reason for report

- 1.1 This report requests the release of funds held in the 2012/13 central contingency to the Education and Care, Bromley Pathfinder budget. The amount requested from contingency totals £165k and relates to Year 2 funding to support Bromley's Pathfinder work.
- 1.2 This report also provides an update on the progress of Bromley and Bexley SEN and Disability Green Paper Pathfinder Phase 1 2011/12 to date. Pathfinder work will inform the proposed new statutory SEN and Disability agenda with the publishing of the draft statutory clauses for pre-legislative scrutiny of the new Children and Families Bill (September 2012) which will incorporate SEN and Disability issues informed by national Pathfinder sites, including Bromley.
- 1.3 Pathfinder funding of £75k for 2011/12 was released to Bromley by the DfE in November 2011 with a further £150k in March 2012, which was allocated to contingency, to cover 2012/13. After the 2012/13 budget was set, Pathfinders were also asked to bid for additional funding of up to £15k for 2012/13, which Bromley achieved in April 2012, making a total of £165k for 2012/13.
- 1.4 All Pathfinders are scrutinised by the DfE appointed SQW national evaluation team against the original targets in the Green Paper Pathfinder bid and agreed in the contract 'offer' to Bromley. Conditions of use of the funding include repayment to the DfE if the monies are not used as stipulated in Bromley's successful bid.

2. **RECOMMENDATION(S)**

2.1 **The Executive Committee is asked to:**

- (i) consider the content of the report;
- (ii) approve the release of £165k of funding from the central contingency into the Pathfinder Budget, as set out in Table 3.10.

Corporate Policy

1. Policy Status: Existing Policy: Draft Education and Care Services Plan for 2012/13 and Government Directed
 2. BBB Priority: Children and Young People - Enjoy learning and achieve their full potential; ensuring the health and wellbeing of children and young people, and their families
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Financial

1. Cost of proposal: Estimated Cost £165k in 2012/13
 2. Ongoing costs: One-off payment until March 2013, (any future Pathfinder funding 2013/14 will be announced November 2012) Future years subsumed within the base budget.
 3. Budget head/performance centre: Pathfinder 136355
 4. Total current budget for this head: Nil
 5. Source of funding: DfE (SEN & Disability Pathfinder).
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Staff

1. Number of staff (current and additional): Currently 1.62 FTE to 31/08/2012; 1.45 FTE from 01/09/2012 - 31/03/2013
 2. If from existing staff resources, number of staff hours: 18 per week
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Legal

1. Legal Requirement: Future Statutory Requirement; legislation being put before Parliament Spring 2013 (Children and Families Bill). Along with a new Code of Practice in 2013 work being informed by National Pathfinders sites. It is proposed that the new statutory regulations and Bill will become law with Royal Assent (subject to Parliament) in Spring 2014 implementation in September 2014. Integrated work will include the Joint Strategic Needs Assessment and Health and Well Being Strategy linking with the Health and Social Care Bill.
 2. A new document 'Progress and Next Steps' was launched in May 2012, outlining the vision that the new Bill would take forward the Green Paper SEN and Disability work with draft clauses and guidance being informed by National Pathfinders.

The draft clauses to the new Bill were published on 3 September 2012 with the Education Select Committee calling for views by 11 October 2012. A report from the Select Committee will be completed before Parliament rises in December 2012.
 3. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 2,000 children and young people, together with their parents/carers.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 In September 2011, Bromley was notified by the Department for Education (DfE) that it had achieved Pathfinder status in a joint bid with Bexley, to test the SEN & Disability Green Paper proposals, described as the most radical reform in this field in more than 30 years. Bromley and Bexley Pathfinder is one of 20 Pathfinders agreed across England, covering 31 Local Authorities with their Health Partners.
- 3.2 Mott McDonald, National Consultants, was appointed by the Government to co-ordinate national Pathfinder activity and support National Pathfinder sites across England, reporting to the DfE and Health partners.
- 3.3 The context of Bromley's Pathfinder work and the new agenda is around the rising numbers of disabled children. The general increase in population and the result of medical advances has led to a large increase in the number of children and young people with more severe SEN and disability, coupled with greatly increased health needs and complex family circumstances. There has also been a large increase in children identified with Autism.
- Government 2010 figures show an increase in Special Educational Needs (SEN) from 1.53m (19% of students) in 2006 to 1.69m (21% of students) in 2010, with a large increase in children with autism. In special schools between 2004 – 2009 Severe Learning Disabilities increased by 5.1% and Profound and Multiple Learning Disabilities by 29.7%. This rapid growth in children with more complex needs impacts on services and provision as placements and Bromley provision are planned in line with the new reform agenda and statutory duties.
- 3.4 The overarching Bromley Action Plan was agreed in early 2012 by the Interim Assistant Director, Education & Care Services. The focus of Bromley Pathfinder work is on children with complex needs and disabilities across the age range birth to 25. Pathfinder work in Bromley is via SEN & Disability Services through Mary Cava Head of SEN & Disability, reporting to Tessa Moore, Assistant Director (Education), Education & Care Services. The lead for Bromley Pathfinder is Helen Norris, Head of Specialist Support & Disability Services, and the lead for Bexley is Melanie Newell, Head of Specialist Services.
- 3.5 A Bromley Core Group drawn from officers across the Local Authority, Health and Parent Representation developed an action plan, established time lines across Bromley and Bexley to monitor and take Pathfinder activity forward. A 'Leads Group' across Bromley and Bexley was established to coordinate Pathfinder work across the boroughs.
- 3.6 Bromley Pathfinder funding and work is to specifically trial and test:
- New Single Plans from birth to 25 across Education, Health and Care with agreed assessment and resource systems
 - The development of Personal Budgets. The Green Paper advised that all families with a statement of SEN or a new Education Health and Care Plan would have the option of a personal budget by 2014
 - Banded Funding
 - Support to Parents, Children and Young People
 - Linking Early Support and Key working/integrated working up through the age range
 - Transition ('Preparing for Adulthood') added in March 2012
- Bromley are leading on the new Single Plan, Banded Funding, Support to Parents, Children and Young People and Early support and Key working. Bexley are leading on Personal Budgets. Both local authorities are testing all areas.

3.7 Pathfinder involvement will support Bromley in achieving many of the agreed SEN and Disability Phase V priorities, including:

- reducing reliance on out-Borough placements;
- increasing parental confidence and reducing tribunals;
- improving SEN funding methodologies

3.8 The agreed Bromley and Bexley Action Plan reflects eight work streams in Bromley to take specific Pathfinder activity forward, in which considerable progress has already been made. Work streams are:

- Parents, Children and Young People
- Single Plan and Assessment
- Early Support and Key Working
- Developing Panel Processes and a Model
- Personal Budgets
- Commissioning
- Banded Funding and achieving a Bromley 'Local Offer'
- Transition from Children's to Adult Services

Work streams highlights include

- drafting, testing and further developing a process to implement Education Health and Care Plans and trialing with a cohort of Bromley families and young people with complex needs, birth to 22 as part of the national evaluation and work with special schools. Active involvement as part of National Policy Working Group on the single plan and assessment process;
- considering a 'local offer' including work with families through Bromley Parent's Voice and children and young people through Bromley Young Advisers;
- considering the implications of Personal Budgets working with Commissioning;
- banded funding protocols linking new Education Funding reforms and special schools in Bromley and as part of the National Banded Funding Policy Working Group developing resources and materials;
- transition development to focus on a shared vision for young people in transition to adulthood 14-25 in order to achieve a good 'Local Offer'. Meaningful day opportunities are being developed, working closely with Bromley and Nash colleges, for more flexible packages with specialist support. Following a successful bid and funding (£2 million) to remodel facilities in Bromley College, this provision is being developed so that young people with more complex needs can be effectively supported within borough;
- work with parents and stakeholders in considering whole system change as reflected in work stream action plans;
- work being developed to explore implications of increased complexity of need within reduced local authority funding considering in borough complex needs place requirements in order to mitigate against costly out of borough SEN and disability placements and achieving whole system change in the context of current local authority funding constraints.

3.9 One of the National Pathfinder and Action Plan priorities is to raise awareness of Pathfinder activity and the proposed whole system reform locally, regionally and nationally. This has included:

- two Bromley and Bexley stakeholder conferences, with addresses being given by Bromley's Director of Children and Young People Services and Bexley's Deputy Director Social Care (November 2011) and the Chief Executive Bromley and Portfolio Member Bexley (April 2012). A further stakeholder conference will be held in Bexley on 19 October 2012 and another at the end of the current Pathfinder contract in March 2013;
- presentations by Bromley Interim Assistant Director, Access and Inclusion and Bromley Pathfinder Lead to the Shadow Health and Wellbeing Board (November 2011), Bromley Parent Voice Annual Conference (March 2012);
- departmental management meetings across the Local Authority, voluntary sector partners and schools;
- a 'Visioning Day' led by the Pathfinder transition work stream, in partnership with 'Preparing for Adulthood' national delivery partners, addressed by the national team and Bromley's Assistant Director Commissioning to focus on transition;
- the team has also addressed groups regionally at managers' network meetings across London and been invited to address a number of national conferences and strategic meetings.

Pathfinder work has also developed:

- a research project, in partnership with 'Achievement for All' and Bromley Special Schools, linking pupil/student positive outcomes and progress indicators with the new proposed Statutory Single Education and Health Care Plan and Key working and developing a Banded Funding framework and monitoring of complex needs to inform the 'Local Offer';
- a Bromley and Bexley national 'best practice' case study was achieved in August 2012 to inform the draft clauses to the new Bill and the national agenda of Bromley's Pathfinder work.

4. POLICY IMPLICATIONS

4.1 The funding concerned would contribute to the delivery of priorities for children and young people set out in the Education and Care Services Plan for 2012/13, in line with statutory guidelines and local priorities. Pathfinder funding has afforded Bromley additional resources to consider and manage the issues soon to be statutory requirements related to the recently published draft clauses to the Children and Families Bill which are being trialled and tested through Pathfinder activity across Bromley and Bexley and the 19 other local authority Pathfinder areas.

4.2 The draft provisions provide for:

- a new Education, Health and Care Plan to ensure streamlined and integrated support up to age 25 which will replace the current SEN statutory assessment and statements and section 139A Learning Difficulty Assessments by 2014 providing the same statutory protection to parents;

- a new duty for joint commissioning requiring local authorities and health bodies to take joint responsibility for providing services including arrangements for considering and agreeing reasonable provision to meet the needs of all children with SEN in the area and specifically for the children and young people with EHC plans;
- a requirement on Local Authorities to publish a 'Local Offer' of services for disabled children and young people and those with SEN. Local Authorities will be required to promote integration in the exercise of their functions specifically between education, health and care in order to improve children's well being. This will include provision made outside the LA's area. They will also be required to keep education and social care provision under review including whether local provision is sufficient to meet local need;
- new protections for young people age 16~25 in further education for whom the local authority will be responsible as the definition of SEN is extended to include young people over compulsory school age but under 25;
- parents and young people for the first time to be entitled to have a Personal Budget extending their choice and control over support and Local authorities must prepare a personal budget where a request has been made by the parent and young person this may include a direct payment;
- further education colleges, all academies and free schools to have same duties as maintained schools to safeguard education of children and young people with SEN;
- the new draft clauses and pace of change of this new agenda will need careful consideration, including funding and legal implications, as the Pathfinder work develops.

4.3 As National Pathfinders, Bromley and Bexley are now in a more favourable position, having a much clearer understanding of the new statutory implications and 'management of risk' issues related to the new national reform agenda for SEN and Disability through their Pathfinder work. Bromley Pathfinder is now addressing a number of key questions including how to most effectively transition from the current Statutory SEN system to the new statutory system Education, Health and Care Plans meeting the highest threshold of need. Joint Commissioning, thresholds and integrated resourcing of new Education, Health and Care Plans from birth to 25.

5. FINANCIAL IMPLICATIONS

5.1 It is proposed that the £165,000 of Pathfinder money is allocated as follows:-

	£
Staffing costs	72,076
Voluntary Sector	50,000
LBB Partners, Schools	27,000
General running costs	15,924
	<u>165,000</u>

5.2 The funding requested for 2012/13 will be used as follows:

Funded Element	Detail	Sep 2012 – Mar 2013
Contribution to management costs and administrative support	Existing staff to work part time on Pathfinder, including Lead for Service, Joint Commissioner and Data Panels Manager	£35,366
Increase in Staff hours	Staff working additional hours to help develop Pathfinder targets across the eight work streams	£36,710
Commissioning Private and Voluntary Sector and Work stream Support	Bromley MENCAP, Achievement for All, Preparing For Adulthood (Livability, Bromley College, Experts by Experience, Advocacy for All), Bromley Parent Voice, Parental Training, Consultancy to reflect Bromley/Bexley Pathfinder liaison and Mott McDonald. (work streams)	£50,000
LBB Partners, Schools	Inclusion Support Services, Education Psychology Services, Hawes Down Centre, Bromley Special Schools, Disabled Children Social Work Team and Commissioning.	£27,000
Expenses to include:	Running costs to include equipment and resources, literature, conferences to support Pathfinder activity, IT support, workshops, room hire, research and development.	£15,924
	TOTAL	£165,000

5.3 Management of risk issues identified and to be outworked through the Pathfinder include:

- costing the duty to provide support to young people with SEN and disability as they remain in FE and college placements until aged 25. Consider the 'Local offer' in Bromley birth to 25 within the context of financial constraints and quantify the 'risk', including funding implications of the perverse incentive in the draft duties for young people to remain in education until 25 years of age. As post-school provision outside of the 'education spine' is not a statutory duty, it is proposed the plan will cease when the young person is no longer in education or training;
- consider early action to ensure new EHC Plans and SEN statements are for highest threshold need **only**, in effect needing to 'raise the bar' across the age range and consider action for those children and young people below the new threshold. The new draft duties state that the threshold for an EHC plan is the same as for a statement but Bromley has been a high statementing authority as less funding has been passport to schools. New EHC plans having the same thresholds as current statements would not be appropriate given the level of need and be hugely cost prohibitive to the borough. Specialist audit and the complex needs team should also consider and review high cost matrix funding within mainstream schools to ensure the very limited amount of specialist provision goes to the most needy. Implement audit of need as part of the annual audit and through Pathfinder work;

- include increased complexity of need within reducing funding envelope and consider 'in-borough' complex needs place requirements to mitigate against costly 'out of borough' SEN and disability placements and work aligned to new Education funding reforms from April 2013;
- to work with parents and stakeholders in managing expectations of raised thresholds with the new statutory requirements and context of funding constraints, exploring solutions through partnership work including the Short Breaks agenda;
- link Pathfinder Banded Funding policy and Health Reforms with Bromley Education Funding Reform action and the funding implications of parents drawing down Personal Budgets by 2014 and Academy issues in specialist provision.

Early awareness of the proposed statutory duties and 'direction of travel' is important at this time of financial austerity as Bromley develops Portfolio plans and looks at the future shape of the organisation with reduced levels of Bromley funding but increased numbers of children and young people with the most complex needs and disabilities.

6. LEGAL IMPLICATIONS

- 6.1 There is a general discretion to apply delegated funding for non specific purposes unless the sum delegated is specifically ring-fenced by central government to provide a specific service. Funding would need to be repaid to the DfE if not used for Pathfinder purposes.
- 6.2 The Authority has a general power to aid and assess the well-being of its residents and facilitate services that promote such well-being.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications arising from this report.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	Support and aspiration: A new approach to special educational needs and disability (March 2011) http://www.education.gov.uk/childrenandyoungpeople/sen/a0075339/sengreenpaper , Support and aspiration: A new approach to special educational needs and disability - Progress and next steps (May 2012) http://www.education.gov.uk/inthenews/inthenews/a00208753/childrens-bill-family-support and http://www.official-documents.gov.uk/document/cm84/8438/8438.pdf (Draft Legislation on Reform of provision for children and young people with Special Educational Needs, published September 2012)